IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

MICHAEL W. INGRAM,	
Plaintiff,	
v.)	Civil Action No. 3:09-CV-00037
DARON HALL, SHERIFF; AUSTIN BODIE,)	
ADMINISTRATOR; ABL FOOD	
SERVICE, INC.; JERRY MATHES,	MAGISTRATE KNOWLES
FOOD SERVICE DIRECTOR; V. DULIN,	
FOOD SERVICE DIRECTOR; SGT. BARNES,)	
DAVIDSON COUNTY SHERIFF'S OFFICE;)	
SGT. FREEMAN, DAVIDSON COUNTY	
SHERIFF'S OFFICE; SGT. McCUTCHEON,	
DAVIDSON COUNTY SHERIFF'S OFFICE,)	
)	
Defendants.	

ABL DEFENDANTS' MOTION FOR LEAVE TO SUPPLEMENT MOTION FOR SUMMARY JUDGMENT

Come the ABL defendants who have been served with service of process; ABL Management, Incorporated (erroneously sued as ABL Food Service), V. Dulin, R. Eytchison, V. Jenkins, Dana Akins, and Babette Lanius, by and through counsel, and hereby move this Honorable Court to grant them leave to supplement their Motion for Summary Judgment. In support of their motion, Defendants state as follows:

PROCEDURAL HISTORY

In its Scheduling Order, this Court set January 18, 2010, as the dispositive motion deadline. (Document Entry 51). Pursuant to the Scheduling Order, a party against whom a dispositive motion has been filed has thirty (30) days to file a response. (Document Entry 51). On November 4, 2009, Defendants filed their Motion for Summary Judgment. (Document Entry

77). On December 1, 2009, Plaintiff filed his response to Defendants' Motion for Summary Judgment. (Document Entry 84). On December 14, 2009, counsel for Defendants took Plaintiff's deposition. On December 16, 2009, Plaintiff filed a supplement to his response to Defendants' Motion for Summary Judgment. (Document Entry 92).

ARGUMENT

Defendants request that this Court grant them leave to file a supplement to their Motion for Summary Judgment. Defendants believe that certain portions of Plaintiff's deposition testimony will support their position for summary judgment. Further, Defendants believe that certain portions of Plaintiff's deposition testimony will assist this Court in making its determination as to Defendants' Motion for Summary Judgment. Finally, Defendants assert that Plaintiff will not be prejudiced by the Court allowing Defendants to supplement their Motion for Summary Judgment.

CONCLUSION

Based upon the foregoing, Defendants hereby request that this Court grant them leave to supplement their Motion for Summary Judgment. Given the upcoming Holiday Season, Defendants request that this Court give them until the original dispositive motion deadline of January 18, 2010 to supplement their motion.

Respectfully submitted,

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Attorneys for Defendants, ABL Management, Incorporated, V. Dunlin, R. Eytchison and V. Jenkins, Dana Akins, and Babette Lanius

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that the foregoing document was filed electronically with the Clerk of the Court using the CM/ECF system, which shall send notification of such filing to the following:

James W.J. Farrar, Esq. and Francis Howard Young, Esq. Metropolitan Legal Department P.O. Box 196300 Nashville, TN 37219 Attorneys for Daron Hall, Austin Bodie, and Sgts. Freeman, McCutcheon and Barnes

Further, I hereby certify that a true and exact copy of the foregoing document has been served on Pro Se Defendant, Michael W. Ingram, via certified, return receipt requested, U.S. Mail, postage prepaid at the following address:

Michael W. Ingram No. 135345 CJC 448 Second Avenue, North Nashville, TN 37201

This 21st day of December, 2009.

By: s/ J. Paul Brewer____